TILTON CROSS-EXAMINED.

A DAY OF VARIETY AND INTEREST IN THE TRIAL.

WHY THE PLAINTIFF WROTE HIS LETTER TO DR. BACON-A PART OF THE FAMOUS CORRESPON-DENCE BETWEEN MR. TILTON AND HIS WIFE READ-MR PRARTS BEGINS THE CROSS-EXAM-INATION.

Yesterday was one of the most interesting days of the great trial in Brooklyn, and was in striking contrast with the previous two days of Mr. Tilton's examination. The witness testified to his action regarding the Bacon letter and toward the Plymouth Investigating Committee. A few of the letters which passed between Mr. Tilton and his wife before the alleged commission of crime were introduced to influence the jury in the question of damages. The cross-examination then began, Mr. Evarts conducting it, and by him the religious views of the witness were drawn out and made to compare with those of his wife and Mr. Beecher. The cross-examination will be resumed

QUESTION AND CROSS-QUESTION TO MR. TILTON.

Mr. Tilton's testimony yesterday was not startling but from beginning to end the interest in it was not once allowed to droop. The testimony first adverted to the Congregational Council in 1874, to the time when Mr. Tilton first heard of its organization, and to what followed. The familiar occurrences surrounding the famous Bacon letter were lightly touched upon. It was soon after this that Mr. Tilton last met and spoke to Mr. Beecher. He told Mr. Beecher on that occasion that Dr. Bacon had called him (Mr. Tilton) a knave and a liar and a creature of Mr. Beecher's magnanimity, and added that Mr. Beecher must deny Dr. Bacon's statements or he (Mr. Tilton) would. Mr. Beecher made no reply and went away. Until they met in the court-room, the two men did not again see each other. A letter from Mr. Tilton to Mr. Reecher dated in May, 1874, was introduced, in which the writer wrote that he had heard from Mr. Carpenter that Mr. Beecher desired to offer Mr. Tilten pecuniary aid. The latter closed by declining money directly or indirectly, and Mr. Fullerton read it with the grieved expression which the writer evidently intended to convey. Another communication, written to Mr. Shearman and other members of Plymouth Church, was read. It contained quotations from the Bacon letter, and said that if it was desired to try Mr. Tilton for the charges against him | the testimony. It was a damp gallery, and be would appear at the bar of Plymouth Church and answer them

This brought the examination to the events connected with the Plymonth Investigation Committee. The witness said that Mrs. Tilton first informed him of the Committee's existence about 10 o'clock one night early in July. The letter of Mr. Beecher appointing the Committee appeared in the newspapers the same week, and Mrs. Tilton left her home on the day when it was published. The examination then went back to the time when Bessie Turner entered Mr. Titton's house, who knew her as Lizzie McDermott, 'a little waif of a thing," as he described her. When asked whether the story about his having acted improperly toward the girl was true or false, the witness replied emphatically, "Not a word of truth in it, nor a fact for its foundation. Pure fiction." A debate arose regarding the next topic which was about one of the proposed reports of Mr. Tilton to the Investigating Committee. Judge Neilson was at first inclined to rule out the details of the interview at which that report was suggested, as asseried, by Mr. Tracy, but Mr. Fullerton and Mr. Beach brought to bear very strong arguments for its admission, and finally won their point.

Judge Fullerton then announced that the direct examination was ended, with the exception of the reading of some letters written prior to the alleged ommission of adultery. These would be read later. Mr. Evarts, who was to conduct the cross-examination, decidedly objected to that arrangement, and he continued to protest, when Mr. Beach explained that the letters hore reference simply to damages. A heated but amusing skirmish of words followed this misunderstanding. Mr. Beach said that counsel for the plaintiff would be obliged to occupy the next few hours in identifying all the letters, three or four hundred in number, and they would introduce afterward the few they desired to read. "You must introduce them before I cross-examine," exclaimed Mr. Evarts, deendedly, coopbasizing with equal force every word see." rejoined Mr. Beecher's sentor counsel, in a drawling schoolboy fashion, which was exceedingly funny. After Mr. Beach had responded, "We will see." there seemed to be nothing further to say, and Judge Netlson, apparently amused by the quarrel, suggested that there ought to be some way to agree. Mr. Fullerton replied that the plaintiff's counsel had hundreds of letters, but only wished to introduce about a score of them. There was a momentary pause, both sides being stubborn and determined not to compromise. Then Mr. Evarts said, with a vawo, "Well, gentlemen, we've nothing to do with your case."

"Thank you for that," retorted Mr. Fullerton shortly, while Mr. Beach added, "We've considerable to do with yours.

This provoked the first laughter of the day, in which all the counsel joined. It was finally agreed to adjourn until 2 o'clock, it being then about 12:30.

After recess, the direct examnation was continued. Mr. Tilton said that during his lecturing tours he wrote to his wife every day, and she wrote to him as often. About 20 of the letters, written in 1867 and 1868, were then read by Mr. Fullerton. They are the poetical letters of love between the plaintiff and his wife which have been so much commented on, and Mr. Fullerton threw into the reading of them much sympathy and fervor. The direct examination was concluded without further questioning at 3:05.

Interesting as had been the morning session, it was reserved for later hours of the day to develop one of the most striking features of the trial-the cross-examination of Theodore Tilton by William M. Evarts. Mr. Evarts arose slowly from his seat, and without formality put his first question, while Mr. Tilton changed his position and answered it with composure. The questioning was unbroken by any misunderstanding until Mr. Tilton was asked whether Mrs. Tilton's residence had been at Mr. Ovington's since she separated from him. He declined to say that it had been, and finally "Her residence is at my house." Then Mr. Evarts asked the witness what he meant when he said that his age was about 39, to which Mr. Tilton replied that he meant exactly what he said. After this there were frequent sharp exchanges of words between the exammer and the plaintiff, but always in good nature. Mr. Evarts being invariably snave and Mr. Tilton extremely dignified. Mr. Tilton did not lose an opportunity to praise his wife, and once when asked whether she enjoyed and sought the company of people with great minds, he replied, "No; she rather went to the lowly and unfortunate. She was a levely woman." "I agree with you," commented

Mr. Evarts. Mr. Tilton's religious views were next inquired about. Mr. Evarts examined bim closely on that subject, as to whether Mr. Tilton's change in belief had caused his wife much sorrow, and whether there was also a great difference in the religious views of Mr. Tilton and Mr. Beecher. The political controversies between the two men were next taken up, and the events following the Cleveland Convention, when Mr. Tilton severely attacked Mr. Beecher, were reviewed. Before this subject was exhausted the bour of adjournment arrived and the examination was abruptly broken off.

THE TRIAL ASSEMBLAGE ON A RAINY DAY. The rain and dangerous walking had no effect yesterday upon those whose interest in the trial has been excited to the utmost pitch, and who attend it daily. At 11 o'clock the court-room was fully as crowded as it has been at any time during the past four weeks. While the corridors were darker, and the unkempt company of men and boys filling it

were wet and more unruly than usual, the trialroom was warmer and cozier than before. At 11 o'clock all the lawyers on both sides, except Messrs. Evarts and Fullerton, were in their places. Mr. Tilton had just entered-alone as usual-and was removing his great coat. Mr. and Mrs. Beecher had been in their seats nearly fifteen minutes, which was unusual, for they generally arrive a few minutes late. Mr. Beecher while waiting read a letter which had been just handed him, and his wife, who was dressed entirely in black, conversed with one of the Plymouth delegation. Mrs. Tilton, too, was in her place earlier than usual. She was unvailed during the entire day. With the exception of one morning session, she has been present ever since her husband began to testify. She was accompanied yesterday by her friends, Mrs. Field,

Shearman, and Mrs. Ovington, all of whom Mr. Beecher pleasantly saluted as they entered the court-room. Considerable inquiry was caused by the presence of two ladies in the audience, one of them a middle-aged lady and the other a young and fashionably-dressed girl. It was said that the latter was Bessie Turner, but those who know Miss Turner say that it was not. These ladies had been in the court-room since quarter before 10, and they remained until recess.

Mr. Tilton appeared even more self-possessed yesterday than he was the day before. He was almost invariably impassive, but during the reading of the correspondence between himself and his wife tears filled his eyes. Mrs. Tilton only looked at her husband during the more important parts of his testimony, and then she hardly raised her head. When Mr. Tilton said that he had never coerced his wife, and spoke of her having a will of her own, she held her head down, and appeared to be smiling. The other ladies at this point turned to her, and seemed much amused. Except on this occasion and once or twice when Mr. Tilton was very ready in his replies to Mr. Evarts, her face was quiet and almost without expression.

The absence of Mr. Tracy was explained yesterday by his associates, who say that he is preparing the opening for the defense.

The spectators in the gallery are on an average much older than those who are usually seen in that part of the court-room during a great trial. The greater part of them yesterday were middle-aged or elderly men of ordinary respectable appearance. At times they appeared deeply interested in the proceedings, but during the greater part of the day they seemed to be engaged in looking at the counsel, jury, and ladies, rather than in listening to many of its occupants appeared to have come to the court-house without · umbrellas. The wet overcoats folded over the front railing were suggestive of rain drops trickling down from them upon the heads of the Plymouth party below. Were it not for the foulness of the air in the gallery, it would be perhaps the most comfortable place in the court, as the spectators are not allowed to overcrowd it as they do the lower floor, where they are so closely packed that it is almost impossible for men to refrain from pushing for more room.

THE PROCEEDINGS-VERBATIM.

THE COMMOTION MADE BY THE COUNCIL.

The Court met at 11 a.m., pursuant to adjourn-Theodere Tilton was called, and the direct examination con

Mr. Ecllerton-Mr. Tilton, when did you first hear of the proosed Council of the church? A. I think, Sir, that the first in mation that I had that a Council was likely to be held was ven to me by Mr. Beecher, at Mr. Moulton's house, one Sunday afternoon; I think the second Sunday after my appearance Plymouth Church at which I made the speech. The date herefore, was in the early part of November.

Q. 18737 A. 1873. Q. Now detail, as near as you can recollect, the conversatio hat you had with Mr. Beecher at that time? A. I stepped into Mr. Moulton's house one Sunday afternoon, and Mr. Beecher was there, and he said to me that trouble had arisen out of my speech at the church, and out of the action of the church in particular reference to Mr. Halliday's card. Mr. Halliday had published a card as clerk of the church certifying that my retirement from the church and the crasure of my name from the roll was without reflection upon me. That card had been printed in The Sun. Mr. Beecher said that a good deal of comment had been made by that card mischievous comment in ecclesiastical circles; that some of the neighboring churches, and I think he said in particular Dr. Storr's church and Mr. Buddington's church, or leading mem bers of those two churches, were taking the ground that it was missed as I was, while charges were pending against me, and still be allowed to carry off from the clerk of the church a cert and syllable. "No, we won't introduce them be- | ficate that it was without reflection. He said he thought mis fore you cross-examine," replied Mr. Beach, jerking | chief would grow out of it, and that intimations had been given each word with a shake of the head. "We'll to him that a Council would be held. I think also he told me end, namely, the holding of a Council. On second thought, I now do remember he spoke of papers, and told me that while ild not state their contents exactly, if I would go and se Mr. Halliday I would be able to judge for myself the dange

Q. Did he make any observation at that time in respect of r joint action with reference to that proposed Council? A.

Q. What did he say upon that subject? A. He told me that a Council was always a dangerous thing; that nobody ever could tell where such a body would end, what proceedings they would resort to, what the issue would be; and he asked me if had any advice or suggestions to give in the matter. I told him that I was not an ecclesiast and knew nothing about the man words: "Theodore, a)) will depend on you in this case, as against me, if you will not lend any influence to an investiga-tion or to a Council, Dr. Storrs can do me no harm." I told bles that I should lend myself not at all to any investigation, or any Conneil, or to any such proceedings-he might rest assured

Q. Well, was the Council called? A. The Council was not

called at that time.

Q. Afterwards I mean-was it afterwards called? A. Yes,

Q. And after it convened did you have any conversation with Mr. Beecher in regard to it? A. The only conversation that I now distinctly recall with Mr. Beecher subsequent to the interview which I have related occurred one night in the street. I comes to me at this moment. If you will wait a moment I will endeavor to fix the time. It was on the night when Mr. Beecher made in Plymouth Church a speech referring to Dr. Storrs, saying that he was sorry that Dr. Storrs' ability and his great genius was not appreciated, that he ought to have been brought up in the West. It was on that night. Mr. Moulton and I were anxious to know the result of the church meeting that night.

TRIUMPH OVER PLYMOUTH CHURCH'S ACTION.

It was one of the preliminary pieces of business before the calling of the Council. I was particularly solicitous to know what the church was going to do in reference to an initation from the two sister churches to meet in Plymouth hurch lecture room and have a friendly talk as to the action taken in my case. I went down with Mr. Moulton to the prayer meeting; I did not go in, but I waited until it was over; Mr Moulton and I both waited, anxious to know what action the church had taken or would take. Mr. Beecher met us, and said to Mr. Moulton: "I am all ma dripping sweat. I have just been making the greatest speech of my life. My church will do just exactly as I say. We are going to stand on an inde pendent basis. We can whisk the Council down the wind. We set them all agog." He then turned around recognized me. This was in the dark, and he told me the substance of what he had said; he said he had never been so roused in any public speech in his life. He was quivering from head to foot, and he would have to stand against an on railing or lamp-post to steady himself. I thought he was going to fall in the street. He told me be thought the danger was past; that the church would do exactly as he wished.

Q. When, in reference to this event that you now speak of, was the Bacon letter published? A. Oh, the Bacon letter was t published until June, 1874. Q. After its publication did you call the attention of Mr.

Beecher to it? A. No. Sir; I never met Mr. Beecher since the Bacon letter, save as I have met him here in the court-room.

TILTON'S LAST WORDS WITH BEECHER. Q. Did you ever have any talk with Mr. Beecher

regard to the Bacon letter? A. I had a talk with Mr. Beecher, t in regard to the Bacon letter, but in regard to the charges ich Dr. Bacon had made. Q. I dia not frame my question as I meant to have done. With regard to the charges referred to in the Bacon letter, I

should have said? A. Yes, Sir. Q. When was that conversation? A. I cannot fix the precis ate, but it was an interview held in Mr. Moulton's study, think about the middle of April, 1874, just after the Council, Q. And what part of the charges of Dr. Bacon against you did

you call the attention of Mr. Beecher to? A. Dr. Bacon had charged me with being a knove and a dog. Q. What did you say to Mr. Beecher upon that subject? A. I told Mr. Beecher that that was a very grave charge to come from

Dr. Bacon, the leading Congregational clergyman of New-England, my former senior editor of The Independent; that it might as well be made against me by Mr. Sumner; that I could not sit still under any such imputation, and I said:

Beecher, you must correct this or else I shall be compelled to do so. You may correct it in your own way, in any mild and gentle way. If it is left to me to correct, I must do it in a more serious way." He said to me on that occasion, o rather I said to him on that occasion: "I am not willing, Mr. Beecher, to be put before the world as the creature of your magnanimity, whereas you know that you are the creature of mine." Perhaps I ought to say, to make that entirely clear, that this was an interview which I had with Mr. Beecher, to which I had summoned him, in order that he might be present when Mr. Thomas G. Shearman presented to me his apology for having insuited Mrs. Tilton in public, at the Plyath prayer meeting.

Mr. Evarts-We will have that stricken out. Judge Neilson-Strike it out, unless the counsel require it.

Mr. Fullerton-It is immaterial. Mr. Beach-I do not want to strike out the fact. I suppose that he had summoned Mr. Beecher to that interview.

Judge Nellson-No, Sir; from that. Mr. Fullerton-You recollect anything else that occurred at

that interview? A. I recollect my talking with Mr. Shearman, and my receiving his apology.

Q. I mean with Mr. Beecher? A. No, Sir; Mr. Beecher left,

and that is the last time I ever spoke with him. Mr. Evarts-That will have to be stricken out also.

ndge Neilson-Yes, Sir. Mr. Beach—No. Sir; not with our consent.
Judge Neilson—The answer will be: "No. Sir; Mr. Beecher If the counsel wishes to learn more, he may inquire

Mr. Evarts-This constitutes a part of the conversation with Mr. Beach-I understand that Mr. Beecher was present at this

Judge Neilson-Ascertain how that is; ascertain if there was any reference to Mr. Shearman's matter while Mr. Beecher was yet there.

The Witness-Yes, Sir. Mr. Beach-We do not care about that,

Mr. Fullerton-I don't care about that. The correspondence between Mr. Tilton and Mr. Shearman is already in evidence as a part of the Bacon letter.

Judge Neilson-It is as well to leave it there Mr. Fullerton-What reply, if any, did Mr. Beecher make to the suggestion that that must be corrected, either by himself or Mr. Beecher made no reply whatever, from being

arned the facts in the case. Mr. Pvarts-That is not evidence. Judge Neilson-The word "restrained" is not. Mr. Beach-Was Mr. Shearman then present?

restrained by Mr. Shearman's presence, who had not yet

The Witness-Mr. Shearman was then present. Judge Neilson-Mr. Shearman just then came in, did he? A.

Judge Neilson-He was in! A. Mr. Beecher was summoned that interview to be present by previous arrangement.

Mr. Evarts-That is not evidence. Judge Neilson-That we have down.

Mr. Beach-I don't know whether it is evidence or not. He says by previous arrangement. We will see whether it is evi-

with Mr. Beecher you can give that. I make no objection to anything which Mr. Beecher said. Judge Neilson-All the counsel now seem to call for, is the onversation with Mr. Beecher. Mr. Evarts-Now, he says that Mr. Beecher made no reply

and he then proceeds to state, because he was restrained by Mr. Shearman's presence. That is not proper.

Mr. Fullerton-Was Mr. Shearman present during that inter-

view? A. Yes, Sir; that was an interview called for the reception of Mr. Shearman's apology.

Q. Did Mr. Shearman and Mr. Beecher leave together? A.

Q. Which left first? A. Mr. Beecher.

Q. Mr. Shearman remained behind with you? A. Yes, Sir. Q. How was Mr. Beecher summoned there? A. By me.

Through whose instrumentality? A. Through a telegram n Mr. Moulton's house. Q. Sending a telegram? A. Yes, Sir. Q. Did you inform him in that telegram-? A. I did not

address the telegram to him; Mr. Moulton sent him the tele-

Q. Was that the last meeting you had with Mr. Beecher? A. Yes, Sir; the last time I ever exchanged a word with I cording to my present recollection.

BEECHER'S OFFERS OF MONEY FOR THE GENERAL GOOD.

Q. Tell me, if you please, in whose handwriting that letter is ? [Handing letter to witness.] A. It is in mine,

Q. Did you send it to Mr. Beecher? A. I did, Sir.
Mr. Fullerton—The letter is produced by the other side, upon
my call, and I offer it in evidence. Mr. Evarts-This is a letter from Mr. Tilton to Mr. Beecher,

received by him, and I suppose is admissible as evidence of that fact, that he wrote such a letter to him. It carries no evidence further than that. Judge Nellson-No. Sir.

Mr. Evarts-It is not evidence of the truth of it.

" The Golden Age, May 2d, 1874.

Siz: I have just this merring learned, to my surprise and Siz: I have just this merring learned, to my surprise and you and me is unquestionable, has consulted you concerning the use of your money, influence and good offices for the enlargement of the capital of The Golden Age. Mr. Carpenter mentions to me also your surprise to him the certain conditions involving certain disavovase by he at I money would, or could, be raised to send me with ally to Europe for a term of years. Of course you need arrance that such an application or suggestion is wholly ourzed by me, and is inexpressibly regugant to my feed. The occasion compels me to state explicitly that so long and self-respect continue to exist together in my breast, be see debarred from receiving either directly or indirectly and the property of the property o red from receiving either directly or indirectly or other favor at your hands. The reason for my part, you know so well, that I spare you the

Truly yours, Theodore Theor."

[Marked "Exhibit 78."]

Mr. Fullerton-I have called upon my friend Mr. Shearman for a letter of May 4th, and inasmuch as he does not find it at once he consents kindly that I should read it from the book.

Mr. Evarts—It is a letter to the three jointly, is it not? If it was delivered to Mr. Beecher, it will come within the same rule But if it was delivered only to Mr. Shearman, I don't see that it would. The way a letter comes to be evidence that passes from A, to B., is the fact that B, receives it. No letter proves its contents, but the fact that it comes to a person is the tive tact. Now, a person by writing a letter to three men and proving that he gave it to one of them, you can not read it is evidence against the other two, unless they are partners of something of that kind.

Mr. Fullerton-Unless we bring it home to Mr. Beecher's knowledge of course it will go for nothing. That we propose Judge Neilson-Do you expect to do so?

Mr. Fullerton-Yes, Sir.

Judge Neilson-Go on. Mr. Evaris-Your Honor will note our exception.

Judge Neilson-Yes; it is accepted on the assurance that be expects to bring it home to the knowledge of Mr. Beecher.

Mr. Evarts—There may be some circumstances where it is a natter in of difference, but here is a long letter, to which, perhaps, importance is attached, I dare say-I don't know how that may be-by my learned friends; and it is hardly right, it seems to me, that we should be called upon to submit to the reading of that paper, on some notion that Mr. Beecher has something to do with it, without having the link supplied.

Judge Neilson-I propose in this instance to accept the state ment of counsel that he expects to connect it, perhaps by some

Mr. Fullerton-By some other witness not yet called. Judge Neilson-I think he may read it on that assurance

Mr. Evarts-That is no doubt within some discretion of the Court, but we submit it is not a case where that allowance should be permitted. Your Honor will note our exception to

the evidence on its face.

Judge Neilson-Yes, Sir. Mr. Fullerton [Reading];

Rev. Henry Ward Bescher, Pastor of Physioth Church, Rev. S. B. Halleday, Associate Pastor, and Mr. Thomas G. Shear

S. B. Holliday, Associate Futior, and Mr. Thomas G. Shearman. Clerk.
Gentlemen: laddress, through you, to the Charch of which
you are officers, the following statement, which you are at liberty to communicate to the Church through the Examining
Committee, or in any other mode, private or public.
The Rev. Leonard. Bacon, D. D., Li. D., Moderator
of the recent Congregational Council, has seen fit, since
the adjournment of that body, to proclaim, publish
and reiterate, with signal compliasis, and with the weight of
something like official authority, a grave declaration, which I
here quote, manely:

semething like official antinority, a grave dectariation, which is here quote, namely:

"It was for the Plymonth Church." he says, "to vindicate its pastor against a damaging imputation from one of its members. But with great alacrity—the pastor himself consenting—it THREW AWAY THE OFFORTCHITY OF VINDICATION." * "That set," he continued, "in which THE FLY MOUTH CHURCH THREW AWAY THE OFFORTCHITY OF VINDICATION HIS TS TASTOR, WAS WHAT GAVE CONSISTING TO PRODUCT THE CALL THREW AWAY THE OFFORTCHISTY OF TH trances from neighboring churches." There many, 'he says also, "not only in Brooklyn, but elsewhe sho felt that the Church had not fairly met the question, i by evading the issue had THROWN AWAY THE OPPORTUNITY

who felt that the Chinch Bod hot havy her to question, and by evading the issue had thrown away the opportunity of vindicating its paston.

The Moderator's declaration is thus made three times over that the Plymouth Church, in dealing with my ease, there was a virial or the Payson. This declaration is or emphasizedly repeated by the chief mouth-piece of the Council, and put forth by him apparently as an exposition of the Council, and put forth by him apparently as an exposition of the control is views, compels me, as a third party to the controversy, to choose between two alternatives. One of these is to remain contentedly in the dishonorable position of a man who denies to his former pastor an opportunity for the vindication of that pastor's character—an offense the more beinous because an unsatiled character and repulsation are requisites to his sacred odice.

The other alternative is for me to restore to his Church their lost opportunity for his vindication by presenting myself voluntarily for the same trial to which the Church would have power to summon me, if I were a member; a suggestion which quiging from my past experience) will subject me afresh to the anjust imputation of reviving a seandal for the suppression of which I have made more sacrifices than all other persons.

Between these two alternatives—which are all that the Mod-

erator leaves to me—and which are both equally repugnant to my feelings—duly requires me to choose the second.

I therefore give you notice that if the Pastor, or the Examining Committee, or the Church as a body, desire to repossess the opportunity which the Moderator laments that you have thrown away. I hereby restore to you this lost opportunity as freely as if you had never parted with it.

I authorize you dif such be your pleasure; to cite me at any time within the next thirty days to appear at the har of Plymouth Church for trial on the charge herebefore made against me, namely, that of "circulating and promoting scandais deregatory to the Christian interrity of the pastor and injurious to the reputation of the Church.

My only stipulation concerning the trial is that it shall not be held with closed doors, nor in the absence of the pastor.

I regret keenly that the Moderator has impossed on me the necessity for making this communication, for nothing but necessity would extort it.

The practical good which I seek to achieve by this proposition is that whether accepted or decilined, it will in either case effectually put an end for ever to the Moderator's grave charge that Plymouth Church has been deprived through me of an opportunity to vindicate its pastor, or that its pastor has been by any act of mine deprived of an opportunity to vindicate inspastor, or that its pastor has been by any act of mine deprived of an opportunity to vindicate inspastor, or that its pastor has been by any act of mine deprived of an opportunity to vindicate inspastor, or that its pastor has been by any act of mine deprived of an opportunity to vindicate inspastor.

Truly yours, THEODORE TRITON. Marked "Exhibit No. 79."

THE CHURCH COMMITTEE AND KINDRED TOPICS Q. When did you first hear of the appointment of

a Committee of Plymouth Church to inquire into this scandal?

A. I first heard of it one evening, about ten o'clock, from Mrs. ton, who had come in-Q. Well, don't state what she said. Do you know what day

of the month it was? A. I think it was in the early part of the week that began with the 5th, 6th or 7th of July; shortly after the 4th of July; a few days after. Q. Was the correspondence, at that time, published which

called the Committee? A. No. Sir.
Q. It had not yet been published? A. No. Sir.
Q. How long after that event, that is to say, when you first heard that there was a Committee, was that correspondence blished? A. Several days afterwards. The correspondence I remember, which called the Committee into action was pub ished on the 11th of July-Saturday morning, the 11th of July

I believe I am accurate in that date-1874. Mr. Fullerton-I offer in evidence the correspondence which resulted in the appointment of that Committee [readin

resulted in the appointment of that Committee [reading]:

Gentlemen: In the present state of public feeling I owe I to my friends and to the Church and the Society over which I an paster to have some proper investigation made of the runnor maintaintons or charges made respecting my conduct as compromised by the late publication made by Mr. Tilton. I have thought that both the Church and the Society should be reject sented; and I take the liberty of asking the following gentle men to serve in this inquiry and to on that which truth and justice may require; and I begench of the gentlemen named will consider this as if It had been reparately and personally sent to him; namely:

e Church-Henry W. Sage, Augustus Storrs and the Society-Herace B. Claffin, John Winslow and S.

V. White.

I desire you, when yan have satisfied yourselves by an impar-tial and thorough examination of all sources of cridence, to communicate to the Examining Committee or to the Church such action as then may seem to you right and wise.

HENRY WAND BEECHER. [Marked "Exhibit No. 80."] Q. When did you first know of the existence of that letter

A. I first saw that letter in print on the morning of July the 11th, Saturday, if I am correct as to the date. I saw eithe the hands of Mr. Henry M. Cleveland, on the occasion of in first appearance before the Committee, the Committee then an exclusively private body, its existence not having beer

Q. And when did you first know of the existence of the Com mittee? A. I first learned of the existence of the Commit the early part of that week, I think, or several days previous Q. How long after the date of this letter, June 27, 1874? A I think the day on which I learned of the existence of the Committee was possibly July 6th or July 8th, and this letter was dated June 27. It must have been nearly two weeks.

Q. Up to that time had your wife remained under your roof Q. When did she leave? A. She left on the morning of the publication of that correspondence by Mr. Beecher, informing the world that he had appointed a Committee,

Q. That was July the 11th, I understand? A. I believe that was July the 11th. Q. As near as you can recollect? A. That is the best of my

tion. It was a Saturday mornin Q. Did she leave with your consent? A. No. Sir.
Q. Against your will? A. She left early in the morning

Q. How early? A. She did not leave against my will, Sir No. Sir; because she was a free, sovereign actor in the bust ness. She never did anything against my will. She had a will of her own and acted according to it.

Q. But it was not at your request? A. No. Sir. Q. Consent? A. It was not with my consent. It was to my great surprise and grief. At the same time I did not undertake

to restrain her, Mr. Fullerton. I never applied any coercion to

Mr. Evarts-Well, the generalities, if your Honor please, are not evidence. I ask that they be struck out,

Judge Neilson-No, they are not-the sample fact that he did

of try to restrain her. Mr. Evarts-That he never applied any coercion to her on any subject, is not evidence. Q. Now, I want to ask a few miscellaneous questions. Do

you recollect the proposed report to the Committee of Investigation that has been put in evidence? A. Well, Sir, there were three or four proposed reports, all of which I believe have been put in evidence, one by Mr. Beecher and two by me. Q. The one that you prepared for the Committee? A. I pre-

pared two for the Comm Q. There is only one in evidence, however? A. Ah! I beg

Q. I limit my question to the proposed report for the Committee, in evidence. Is that the short one or the long one ? A.

Q. It is the short one. I want you to state under what cirstances were these. Mrs. Tilton came home one evening, an freesing the jury-Mrs. Tilton came home one evening about 10 o'clock and informed me—this was the 6th or 8th of July-informed me that she had been down to a Committee of Physics month Clurch, and I asked what committee. She said a Com-mittee to inquire into my letter to Dr. Bacon, to do away with

AN OLD TECHNICAL QUESTION REVIVED.

Mr. Evarts-If your Honor please, the occasion of his preparing this report may, perhaps, justify an allosion to what passed between him and his wife as the basis of that, but that occasion does not give the right to detail conversation tween himself and his wife.

Mr. Beach-Well, Sir, this interruption should have come a little earlier, Sir; but if any of it is stricken out, what has been taken in regard wholly to that interview should be stricken

Judge Neilson-Well, it fixes the occasion: that is the effect

Mr. Fullerton-It is certainly proper and important that this inry should be informed of the circumstances which led to the preparation of that report, because it cannot be properly understood unless those circumstances are proved. Judge Neilson-One is the circumstance that she had been be

fore the Committee. Mr. Pullerton-Yes, Sir; another is that she had informed him that she had denied the whole thing. Judge Nellson-I don't think you can give that

Mr. Fullerton-Why, Sir, that is the gist of the whole affair Mr. Evarts-That is already in evidence.

Mr. Fullerton-The report was based upon that fact. Mr. Evaris-That is all in evidence. That I have not o ected to. That is an occasion. I don't know, of course, what

did pass between this gentleman and his wife afterwards, only it is not a matter that by fixing an occasion by an introduction to the report, gives an opportunity to go on and give a conversation between them.

Judge Neilson-I think not, Sir.

Mr. Evarts-I think it should go no further-that is, no fur ther in respect to the conversation.

Judge Neilson-I think he can say, after giving the conversa

tion, that in consequence of what was said he was led-if that was one of the circumstances that led him-to make the report.

Mr. Fullerton-Then it will not appear that this report was the natural result of what was communicated to him. Judge Neilson-I think he can say that in consequence of what was communicated to him he was led to the idea of mak

Mr. Fullerton-The report may be a non sequitor. It may not be the natural result of the conversation. It may be argued. It is certainly proper for us to show the basis of that report, the information that was communicated to him, because if he is to be judged by the act, then, as a matter of course, it ought to be in the light of surrounding circumstances, Judge Neilson-Yes, Sir; but we cannot take the conversa-

ing this report, without giving the conversation; then you have

Mr. Evarts—The substantive fact that she told him that she had been before the Council and denied all the charges, is already in. That is sufficient foundation, it seems to me. Judge Neilson-You will agree with the counsel in that, I think. Mr. Pullerton-How, Sir?

tion between them, in my j dgment.

and then object to the balance.

Mr. Fullerton-No, Sir; not by any means. We either want the whole or none. They cannot wait until a pert of it is out

Judge Neilson-You cannot take the conversation any fur-

Judge Neilson-Oh, no! I think it stands where it is. It ap pears now that she communicated the fact that she had been before the Committee and denied all the charges.

Mr. Pullerton—Yes, but I want what further she said. I want to show why she denied them, the reasons that she gave for it.

Mr. Fullerton-Then I suppose it all goes out.

this story before the Committee not given.

Judge Neilson-We cannot take it.

Mr. Beach-Why, your Honor, is it permissible for counsel upon the other side to permit us to examine in regard to a conversation between Mr. Tilton and his wife, and allow them to proceed to a certain stage and then object; and your Honor exfludes what follows, and they retain the portion that has been given? Is that possible? If it is improper for us to give the alance of this conversation, it was improper for us to give any of it; but counsel sat quiet while the witness upon stand was detailing this conversation between himself and his wife, until it reached a particular point wher they desired to get the fact that Mrs. Tilton upon that occasion said that she denied before the Committee the whole of the fact, and then object and shat out the answer which Mr.

Tilion made to that announcement that she had given the denial. Your Honor surely will not permit that injustice to be practiced. The counsel should have objected the moment we entered upon this conversation if he intended to raise the question of its inadmissibility, and not allow it to proceed to a particular stage where it was favorable to them, and when we ask to give the answer-the explanation on the part of Mr. Tilton—then to exclude that. The must be given, or the whole stricken out, I submit to your

Judge Nellson-It may be hard, Sir, but I think the objection must be sustained at the point where it was made.

Mr. Fullerton-It is not a question of whether the objection should be sustained. The question is whether the whole conversation is to go out, inasmuch as the balance of it— Judge Neilson-There has been no motion to strike out as

Mr. Fullerton-Why, it is my suggestion, that if they deprive ns of the benefit of the whole of the conversation, that the part of it already given in evidence should go out with it.

Mr. Evarts-Do you make a motion to strike it out? Mr. Fullerton-I make that suggestion to the Court.

Evarts-Until you make the motion I won't discuss it. Mr. Beach-Well, we do make the motion, Sir. Your Honling that we can go no further with the conversation, we now ove to strike out that which has been given.

Mr. Evarts-To strike out the whole? Mr. Beach-Yes, Sir.

Mr. Evarts-Now, some criticism has been made on my posion. Will the stenographer be so good as to read the question hich was asked to this witness?

Thin Think's estenographer read the question as follows: "I want you to state under what circumstances the short report was night not to have objected to Y. When my learned friends ask

question of this witness, saying, "State a conversation be een yourself and your wife," and I sit still and allow him to go on with the conversation, then it will be time enough to ise me for stopping him and not letting him go through. Mr. Beach-Well, that was just the criticism in which I in-Mr. Evarts-I know you did; but your question was not that,

Your question was, "Under what circumstances was this paper prepared?" and under that he starts off to give as an ent to the paper a communication of a situation, before this Committee, of his wife, Judge Neilson-That was probably directed to the com-

neement of the circumstances under which the witness pre-Mr. Evarts-Any circumstances. Now, any other circumstances can be given—such as, after that this was done or that was done—that is, if they come from parties that are properly

sefore us. It is not a criticism upon me for allowing a part of the enversation thus asked for. It will be time enough, I say, when question is asked or a conversation, to say if I will allow a sart of it I might allow the whole. But the question was of the circumstances—in respect to an inducement. Then I say, Do not, under cover of that, go on and narrate a conversa- by resting upon his objection, has permitted us to proceed in the on between husband and wife." Mr. Beach-The issue between us, Sir, cannot be avoided

tion between himself and his wife, and that it was the duty of the gentleman, if he intended to object to any part of that interview, to interpose the objection when the narra-tive on the part of the witness commenced, and that Mr. Tilton. We submit to your Honor that we should be peris unjust and illegal to permit the half of that nversation to be given until it reaches the point so far which has been given should be stricken out atisfactory to the counsel upon the other side, and when they porehend that the remaining portion of it will be unfavorable right you have in the matter, and the question can be held until you have an opportunity to look at it. ejection, I say it is untimely and inadmissible; but if, under he ruling of your Honor, the objection is to sustained, that the whole conversation should be given—that it cannot thus be mangled and misrepresented in its true scope and effect to place the party who offers it in a disadvantageous position. If your Honor will permit me, Sir, a moment, I think I can refer to authorities upon the sub-ject. I do not wish to detain the Court, Sir, but I will present

t to your Honor hereafter. Judge Nellson-Well, we will proceed, Mr. Fullerton, reserving this until I can bear the Counsel further on the subject; I

would be very happy to hear him, of course. Mr. Fullerton-Your Honor will bear in mind while consider that declaration (that she denied the whole story), but the report was written and presented for other reasons, which will be manifest when that conversation is divulged. will pass to another topic. [To the witness.] Did Mr. Beecher ever inform you who published the tripartite nurse ment? A. I do not remember that the publication of it was made a matter of talk between us, other than that the fact of

Q. Well, did you learn it from him? A. No. Sir. Q. Or, was it ever spoken of in any conversation between blog ? A. I do not remember that it was it was to shed by Mr. Wilkeson and Mr. Cleveland. Judge Nellson. He did not ask who it was published by

The Witness-I beg your pardon, Sir.

A LITTLE HISTORY OF BESSIE TURNER.

Q. Mr. Tilton, who was Bessie Turner? A. She ber how many years ago, under the name of Lizzle McDerme I should think perhaps well I should have to press a or fifteen years 250. She was a little wilf of a thing. If yo wish me to state something about her —

Q. Well, under what circumstances did she come in your family; from whence did she come? A. My larger sien is that in some way or other, through an old Sunday school teacher either of myself or of Mrs. Thion's; indeed I — my present recubercion is that Mr. Libby, of the firm of A. T. Stewart & Co., knew something of her. I won't be accurate; I would not undertake to obstantiat that, however. She came there through Mrs. Tilton's invitation I believe, just as it might be given to any servan), any girl-any office boy-came there to help do the work of the house, tak

are of the children. $Q_{\rm c}$ And how long did she reside with you ? A, I do not know whether she resided continuously at our house until 1870 or not. I think that in the Summer of 1870 she was away in the West at Mrs. Putnam's house, at Marietta, but at all events, the period of her residence at our house most have terminated towhere in 1870. Then she came back from the West with Mrs. Tilton and was a day or two at the house; and then she

was sent off to school by Mr. Beecher. Q. What time? A. She was sent off two or three weeks after the writing of what is called the letter of contriblet.

Q. Did you ever have any conversation with Mr. Beecher in regard to her absence at that time? A. In regard to her ab-

th Mr. Beecher on the subject has been from time to thus asswer an occasional question whether or not she was

cattling or making mischievous talk. Where was she? Q. Yes, Sir. A. She was away in Ohio, at school,

Q. At school? Now, who made the arrangements for her leparture? A. Mrs. Tilten and Mr. Moulton together. Q. Do you recollect the time of her leaving? A. I think she oft very speedily after Mr. Beecher sent me his letter through Mr. Moulton; some time in January, 1871. Q. Some time in January, 1871 † A. Yes, Sir.

Q. Now, I want to ask you this general question, whether, from first to last, Mr. Beecher ever denied the craninal interurse with Mrs. Tilton? A. No. Sir. [After a purse.] I would like to amend that answer, Mr. Fullecton, by saying that whenever he spoke of it he always said that the or minally at tached to him alone and not to Mrs. Tilton; always insi that she had not been to blame; he was the person on whom out letting in the circumstances under which he the condemnation should fall, Mr. Evarts-Well I object to that last, if your Honor please,

as not responsive to the question, and if it is intended to draw it out to its being made the subject of a question. The ques tion was fully answered; it was a very plain one. It was not whether he had ever desired the criminal intercourse of Mrs. Tilton with him, but whether he had ever denied criminal in-Mr. Fullerton-It is a proper piece of evidence

Mr. Evarts-I am not yet through. And, if your Honor please, it is a piece of evidence which if sought to be extracted by a question, I should object to the question. It is not responsive, and if it is not a proper subject of evidence, why then it must Judge Neilson-The counsel says that the substantive fact that she had been before the Council and denied the charges is duced by some question to which I will object. I have a right to object to answers, when they come out not responsive to a The Witness-I would like the-

Mr. Everts—And the generality of such testimony, of course, is inadmissible. It is inadmissible to say that he always said so and so, because it does not mean what he always said, I suppose, even in that sense. At any rate the proper way is to give evidence of what he said and when he said it, etc., and then we will judge of its connection. I ask your Honor that it should be struck out. If my learned friend thinks he is cutitled to draw it in, why, then, let it be drawn in by some question that will raise the point. Why, it cannot be that this conversation is to be chipped in two | Mr. Fullerton-I suppose it is a proper piece of evidence, and

suddenly in that way, and the reason that she gave for denying It makes no difference whether it is in response to a question out directly for the purpose of extracting it or whether it given as it was given by the witness. The manner in which Mr. Beecher spoke of that intimacy is competent proof. If he took the blame all upon himself and excused the lady, why it is proper that we should know that fact. It is hardly worth while to call his attention to the various conversations that he had with Mr. Beecher upon that subject, to know the particular words that he used to convey that idea, so long as that idea was

conveyed. Judge Neilson-I thick we will let it stand. The learned counsel has the benefit of an objection to it substantially as if

Mr. Evarts-Yes, Sir; I move to strike it out and your Honor

Judge Nelbon-Yes. Mr. Evarts - I move to strike out the last clause.

Judge Neibson - The last clause, yes, Sir. Mr. Evaris - We except to the refusal.

BESSIE TURNER'S STORIES DENIED. Mr. Fullerton-I will call your attention again to Bessie Turner. What was her age when she left you in 1871?

A. I don't think that any of us knew her ace. Judge Neilson-Well, about; as near as you can gue Mr. Fullerton-Judging from her appearance what would you

Q. Yes, Sir. A. Well, I should have to guess; I should say 15 Q. Not older than that? A. I don't know; I think not.

Q. How? A. I think not; I don't know how old she was: perhaps she might have been older.

Q. Did she act in the capacity of a servant in the family thile she was there? A. Yes, Sir. Q. You have heard during the progress of this case, some thing said in regard to improper conduct on your part in con-nection with that girl. Now, I wish to ask you in reference to

mony, namely, that you went to her bedroom in the night and took her screaming from her room to your own bed? A. There is not a word of truth in it, Sir, nor any fact to found it upon; Q. Anything improper over take place between you and her?

hat, did anything occur such as is shadowed forth in the testi-

A. No, Sir; I never showed her anything but kindness during all the years of her residence in my house

THE DISCUSSION RENEWED. Mr. Fullerton here asked Mr. Beech in regard to e authority which he had undertaken to read to the Court. Mr. Bench. At this instant I am not able to lay my band upon be authority, but can when I have an opportunity at the library But I find an intimation of the rule under the commentary in

original text of Cowen and Hill's Notes, says: "We have seen that where secondary excilence is offered it must be objected to in season or its competency cannot be questioned, etc. referring to variety of antisornices." It has been held too line to object if the testimony on the side of the party offering the eccondary evidence is closed. This objection should be made when the evidence is offered, as as as aff out the party an opportunity of obviating it."

Though this does not meet the precise question, Sir, or where incompetent evidence is offered, yet I submit to your Honor it is a parallel rule of evidence. I do not care to repeat to your Honor the suggestions which I urged upon you before; that it is highly adjust to permit evidence which may be objectionable to be in part received, especially to the extent to which the narrative of this witness as to the interview between himself and his wife was offered, and then by an objection, after resting until he had got sufficient of the interview to satisfy his purpose, shut out the explanatory portions of the interview which followed. Now, the defendant, letall of that interview to the Court and the jury so far as to get a communication by Mrs. Tilton to him that on appearing before by the gentleman. I say that he sat still while the Committee she denied the whole charge. And there we are his witness detailed a very considerable part of a conversainterrupted and we are not permitted to give the upp; which was ton, showing the reasons why she made that devial, or perhaps

mitted to give the whole of that interview, or ess that the part Judge Neilson-I should be very sorry to depri

Mr. Beach-Very well, Sir, that will do. Mr. Fallerton-4 intended to put in those reports after that question was determined. It is a little embarrassing to continu of ; however, I will endeavor to do so. I will hand the short report to the witness and ask him a further question in regard to it. [Paper handed to the witness]. Look at "Exhibit No.

alluded to? A. Yes, Sir. Mr. Shearman-I understand it has been marked for identifi ention, but never put in.

Mr. Fullerton-What did you do with that report-"Exhibit No. 505 " A. I twink I showed this report, and also another, to

Mr. Evarts-That we object to. Judge Neilson-You must not tell what he said, Sir. Q. What did you do with the report

Mr. Follerton-It is shot out. Mr. Evans-I am not speaking of the answer he was making out of the general inquiry. There is evidence about this report

Mr. Fullecton-Yes, Sir, Mr. Everts-Under which it has been received in evidence, dence now must be received from something that has passed between him and Mr. Beecher, concerning it, I suppose Judge Neilson-That is so, certainly, as to convers

He may, nevertheless, state what he did by way of showing an act, as that he put it in, or did something with it GEN, TRACY'S ADVICE ADMITTED.

Mr. Fullerton-What did you do with the report ? A. I put this report and the other into the hands of Mr. Moul-ion, in pursuance of a suggestion from Gen. Tracy. Mr. Evarts That part I object to-" in parsuance of a suggest

Judge Nellson-Strike out the "in pursuance,"

Mr. Fullerton - Why, Sir, it is a part of the res gents.

Judge Nell-on - Oh! no. He put that in the hands of Mr.

Moulton: that is all you inquired for.

rion-May I not ask at whose succession? Judge Nellson-It is not material, I think. Mr. Everts No; not unless it was our

Mr. Fullerton - In the first place I would not put the question Mr. Evarts Our parties I mean The Witness Mr. Tracy said if I made any report short of

Mr. Fullerton-Never mind what Mr. Tracy said; it is ruled out. Under what circumstances did you prepare that report ? A. Under a suggestion from Gen. Tracy. $Q_{\rm c}$ I put the question now—what was that suggestion ? Don't

Mr. Evarts-That we object to, Judge Nellson -I think it is sufficiently in that he made the suggestion at that time. Mr. Full mon-illad you at the time of the preparation of

that report heard that any evidence had been given before the Committee? A. I had only heard that Mrs. Titon had been before the Committee— Q. Had you heard what evidence she had given? A Gen. Tracy had told me. Mr. Follerion-New, Sir, I propose to show what General Pracy told him in regard to that. I will put the question.

had been given before the Committee when you prepared that report? You need not answer. The Witness - You say I need not answer? Mr. Fullerron-No; it is objected to, I suppose. Judge Neilson-I do not think it has been objected to

What did General Tracy tell you in respect to the evidence that

Ascertain if it is objected to. Mr. Evarts-(after consultation)-We see no foundation for any such que tion as this, if your Honor please, Judge Neilson - Do I understand you to object to it?

Mr. Evari - We object.

Judge Nellson-1 think you cannot give it. Mr. Fallerton-Well, it seems hard, Sir, that Mr. Tilton should be judged by a paper which he drew, with drew it, the information which he had received which led to it. His information was received from a person intimately connected with that investigation. Your Honor has learned during the progress of this case that there was a move ment made every now and then, for the purpose of accomplishing some object, without developing the truth. What was was to cover up the truth and not to expose it. Now, if Mr. Tilton, for the purpose of accomplishing any object like that which was in harmony with the wish of all parties concerned,

and interested in the question, has prepared a paper, why then surely he ought to be judged by the paper and the circumstan ces together. Judge Neilson-I think you have it-Mr. Fullerton-How, Sir ? Judge Neilson-1 think the metive in preparing it is plain enough from all the evidence. It has been spoken of before, you know, by an ther witness. Mr. Pullerton-Yes, Sir. It has been spoken about before by

another witness, but that witness was not qualified to speak of he motives which actuated the writer. He alone can speak of Mr. Beach (to Mr. Fullerton)-Why, Mr. Moulton gave that interview. It is in evidence.

Mr. Fullerton (after consultation with Mr. Beach)—I am re-

that subject, which had escaped me for the moment.

ninded by my associate of the testimony of Mr. Moulton upon

Judge Neilson—I think he explained it.

Mr. Fullerton—Then is there any objection to having it explained twice? I didn't know that it was improper be-

Cowen and Hill's Notes upon the question of secondary evidence, where scendary evidence is offered, the primary not being present. And Mr. Edwards, the commentator on the